

WINDSOR TOWNSHIP
YORK COUNTY, PENNSYLVANIA

ORDINANCE NO. 07-10-01

AN ORDINANCE OF WINDSOR TOWNSHIP, YORK COUNTY,
PENNSYLVANIA, ESTABLISHING A PROGRAM FOR RECYCLING
OF SOLID WASTE AND PROVIDING FOR PENALTIES FOR
VIOLATION THEREOF

BE IT ORDAINED AND ENACTED, by the Board of Supervisors of Windsor Township, York County, Pennsylvania, and it is hereby ordained and enacted by the same as follows:

Section 1. PURPOSE

The Commonwealth of Pennsylvania has enacted Act 101 of 1988, the Municipal Waste Planning, Recycling and Waste Reduction Act.

Each municipality has the authority and duty to assure proper and adequate transportation, collection and disposal of municipal solid waste which is generated or present within its boundaries and to adopt and implement programs for collection and recycling of source-separated, recyclable materials as provided in the Act.

Windsor Township believes that the reduction of the amount of solid waste and conservation of recyclable materials is an important public concern and is necessary to implement the requirements of Pennsylvania Act 101, The Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, and the York County Solid Waste Management Plan. The separation and collection of used newspaper, glass, plastics, cans and leaf waste for recycling from the residential, commercial and institutional establishments in the Township will minimize the adverse environmental effects of landfilling by reducing the need for landfills and conserving existing landfill capacity, facilitate the implementation and operation of other forms of resource recovery called for by the York County Solid Waste Management Plan, conserve natural resources, and hopefully help control the escalating costs of solid waste disposal generally.

Section 2. DEFINITIONS

For the purpose of this ordinance, the following terms, phrases or words shall have the meaning ascribed to them in this section, except where the context in which the word is used clearly indicates otherwise.

(a) "Aluminum Cans" means empty all-aluminum non-aerosol beverage and food containers;

(b) "Bi-Metal or Steel Cans" means non-aerosol food or beverage containers consisting of all-steel or of ferrous sides and bottom and an aluminum top (sometimes called "tin" cans);

(c) "Cardboard" means all corrugated or other cardboard normally used for packing, mailing, shipping or containerizing goods, merchandise or other material, but excluding plastic, foam or wax-coated or soiled cardboard;

(d) "Collector" means that individual, partnership, firm, corporation or business entity designated by the Township by means of an independent contract, as the person having the exclusive right and privilege to collect, haul, carry or remove municipal solid waste and/or recyclable materials from dwelling units and small commercial establishments within the Township;

(e) "Commercial Establishment" means those properties used primarily for business purposes. Small commercial establishments are those that have a low volume of solid waste and utilize the Township contracted solid waste and recycling service. Large commercial establishments are those with large volumes of solid waste who contract privately for solid waste and recycling services;

(f) "Composting" means a microbial degradation of organic waste to produce a relatively nuisance-free product of potential value as a soil conditioner;

(g) "Dwelling" means a building used for residential living quarters for one or more families except hotels, motels, rooming houses, convalescent homes and tourist homes or other accommodations used for transient occupancy;

(h) "Dwelling Unit" means a building or portion thereof arranged or designed for occupancy by not more than one family for living purposes and having cooking facilities;

(i) "Glass Container" means all empty bottles and jars made of clear, green, or brown glass, but not including non-container glass, light bulbs, window or door plate glass, mirrors, porcelain and ceramic products;

(j) "High Grade Office Paper" shall include paper items generated primarily by offices and/or commercial establishments. This may include colored or white: computer paper, copier paper, typing paper, letterhead paper, note pad paper and other similar office paper;

(k) "Institutional Establishments" means those facilities that house or serve groups of people, such as hospitals, schools, colleges and nursing homes;

(l) "Leaf Waste" means leaves, garden residues, shrubbery and tree trimmings and similar materials, but not including grass clippings;

(m) "Magazine and Periodical" means printed matter consisting of usually glossy pages bound in some fashion containing miscellaneous written pieces published at fixed or varying intervals, excluding all other paper products of any nature whatsoever;

(n) "Multi-Family Dwelling Property" means any property having three (3) or more dwelling units per structure;

(o) "Municipal Establishments" means any public facility operated by Windsor Township or other governmental or quasi-governmental authority;

(p) "Newspaper" means paper of the type commonly referred to as newsprint and distributed at fixed intervals, having printed thereon news and other matters of public interest, but not including glossy advertising inserts included with newspapers and not including magazines and periodicals and not including high grade office paper;

(q) "Person" means any individual, partnership, firm, corporation, associations, institution, cooperative, enterprise, municipality, municipal authority, Federal government or agency, state institutions or agency or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. It shall also mean owner, lessee or occupant of a residential dwelling, commercial establishment or institutional establishment. In any provision of this ordinance prescribing a fine, imprisonment or penalty or any combination thereof, the terms "person" shall include the officers and directors of any corporation or other legal entity having officers and directors;

(r) "Plastic Container" means empty plastic soup, detergent or beverage container, but not including plastic containers used for oils, paints, solvents, chemicals or otherwise potentially hazardous materials and not including any other plastic product;

(s) "Recycle" means the collection, separation, recovery and sale or reuse of metals, glass, paper, leaf waste, plastic and other materials which would otherwise be disposed of or processed as municipal solid waste;

(t) "Recyclable Material" means those materials which may be processed or refabricated for reuse and which are specified by the Township for separation from the regular solid waste;

(u) "Recycling Bin" means the plastic container provided by Windsor Township for the express purpose of storing recyclable materials for collection by the Township's collector;

(v) "Residential Dwelling" means any occupied single family, two-family or multi-family dwelling property for which the Township provides municipal solid waste collection service;

(w) "Solid Waste" means garbage, trash, ashes, refuse and other discarded solid materials whose original purpose has been completed;

(x) "Source Separation" means separation of recyclable materials from the solid waste stream at the point of waste generation;

(y) "Township" means Windsor Township, York County, Pennsylvania or its authorized representative or representatives.

Section 3. ESTABLISHMENT OF PROGRAM

There is hereby established in Windsor Township a mandatory source separation and collection program for recyclable materials from solid waste by persons residing in residential dwellings and small commercial establishments from which solid waste is collected by or on behalf of the Township.

Section 4. SEPARATION AND DISPOSAL OF RECYCLABLE MATERIALS FROM RESIDENTIAL DWELLINGS AND SMALL COMMERCIAL ESTABLISHMENTS

(a) Recyclable materials for residential dwellings and small commercial establishments are aluminum cans, bi-metal or steel cans, clear and colored glass containers, plastic containers and newspaper from which the Board of Supervisors of Windsor Township will from time to time specify a minimum of three which shall be recycled.

(b) Recyclable materials from residential dwellings and small commercial establishments shall be placed in recycling bins at the public street or alley edge where solid waste is normally placed but separate from solid waste for collection.

(c) At such times and dates as may be established by the Township, recyclable materials for residential dwellings and small commercial establishments shall be collected once every week in conjunction with the normal weekly pick-up of solid waste.

(d) Recyclable materials for residential dwellings and small commercial establishments shall be prepared for collection as follows:

- (1) All newspaper shall be placed in brown paper bags or tied with string in bundles not exceeding thirty-five (35) pounds in weight nor exceeding one (1) foot in thickness;
- (2) Glass and plastic containers shall have caps and lids removed and discarded and then should be rinsed free of contaminates;

- (3) Aluminum cans and bi-metal or steel cans should be rinsed free of contaminates;
- (4) Glass and plastic containers, aluminum cans and bi-metal or steel cans shall be placed in the bin or bins provided by the Township. No other solid waste shall be placed in the recycling bin.
- (5) No recyclable materials shall be placed at the street or alley side earlier than 7:00 p.m. the evening of the day preceding the scheduled collection day. Recyclable materials must be placed at the street or alley side by 6:00 a.m. on the scheduled collection day. The bundled newspapers and recycling bins containing glass and plastic containers and cans shall be placed at the street or alley side for collection adjacent to one another and clearly separated from containers of solid waste.

Section 5. SEPARATION AND DISPOSAL OF RECYABLE MATERIALS
BY MULTI-FAMILY DWELLING PROPERTIES

Instead of having each dwelling unit use a separate recycling bin, the owners, landlord or agent of an owner or landlord of multi-family dwelling properties may establish a centralized collection system for recyclable materials at each structure upon written approval of the Township Public Works Director. Recyclable materials for multi-family dwelling properties are the same as those of other residential dwellings. The collection systems must include suitable containers for collecting and sorting materials, easily accessible locations for the containers, and written instructions to occupants concerning the use and availability of the collection systems. Owners, landlords, and agents who comply with this Section shall not be liable for noncompliance of occupants of their buildings.

Section 6. SEPARATION AND DISPOSAL OF RECYCLABLE
MATERIALS BY LARGE COMMERCIAL, INSTITUTIONAL
AND MUNICIPAL ESTABLISHMENTS

Large commercial, institutional and municipal establishments shall separate and store recyclable materials until collection. Recyclable materials for large commercial, institutional and municipal establishments shall be high grade office paper, aluminum cans and cardboard. These establishments shall arrange for the transfer of recyclable materials to a recycling system or recycling facility. These establishments shall annually provide to the Township, no later than January 31st of each year, on a form provided by the Township, evidence of such arrangement and documentation of total number of tons of each of the recycling materials that were recycled during the previous calendar year.

Section 7. RECYCLING BINS

Windsor Township shall furnish at no cost to each residential dwelling or small commercial establishment in the Township from which solid waste is collected by or on behalf of the Township, a recycling bin in which recyclable materials are to be placed for collection as provided in Section 4(b) of this Ordinance. Additional bins may be furnished upon request to the Township at a cost to be established from time to time by Windsor Township. Windsor Township will replace at no cost any bins lost or destroyed by theft or vandalism.

Section 8. SEPARATION AND DISPOSAL OF LEAF WASTE

All persons who reside in residential dwellings and all persons responsible for the management or operation of multi-family dwelling properties, commercial, municipal and institutional establishments who gather leaf waste shall source separate all leaf wastes and place them for collection in the fall of the year in a pile or row in the street (not in the traffic lanes but about one foot out from the edge of any existing curbing). This will allow safe passage of vehicles and allow proper stormwater drainage. Collection will be done by the Township during the fall of each year.

All persons who reside in residential dwellings and all persons responsible for the management or operation of multi-family dwelling properties, commercial, municipal and institutional establishments who gather leaf waste as defined herein other than leaves shall source separate such leaf waste and place it for collection a minimum of two times a year, at last once in the spring and once in the fall at times to be announced in advance by the Township. Collection of leaf waste other than leaves may be done by the Township's contracted collector or by the Township in special collections and not as a part of regular weekly collections of other waste.

This section shall not require any person to gather leaf waste or prevent any person from utilizing leaf waste for compost, mulch or other legal agricultural, horticultural, gardening or landscape purposes.

Section 9. COLLECTION CONTRACT

Windsor Township may enter into a collection contract with a collector for collection of all or part of the recyclable materials from the Township.

Section 10. COLLECTION BY UNAUTHORIZED PERSON

No person other than Windsor Township or its contracted collector shall collect or pick up or cause to be collected or picked up any recyclable material from residential dwellings and small commercial establishments that has been placed for curbside pickup without the Township's written consent. Each such collection or pickup in violation hereof shall constitute a separate and distinct offense punishable as hereinafter provided.

Section 11. OTHER PROHIBITED ACTS

(a) It shall be unlawful for:

- (1) Any person to violate or to cause or to assist in the violation of any provision of this ordinance or any provision of Pennsylvania Act 101 concerning recycling.
- (2) Any person to place or to cause to be placed any material other than a designated recyclable in a recycling bin.
- (3) Any person to hinder, to obstruct, to prevent or to interfere with the Township or its contracted collector in the performance of any duty under this ordinance or in the enforcement of this ordinance.
- (4) Any person to cause or to allow their pets to cause recyclable materials to be scattered or spilled from recycling bins or bundles that have been placed for collection.
- (5) Theft of Township recycling bins.
- (6) Willful damage to and/or unauthorized use of recycling bins.
- (7) Unauthorized collection of recyclables as provided in Section 10 of this ordinance.

(b) All unlawful conduct set forth in Section 11 shall constitute a public nuisance.

Section 12. NON-COLLECTION OF SOLID WASTE CONTAMINATED BY DESIGNATED RECYCLABLES

The Township, or at the direction of the Township, the designated collector collecting solid waste generated within the Township may refuse to collect solid waste from any person who has clearly failed to source separate recyclables designated under any applicable section of this ordinance.

Section 13. OTHER MEANS OF RESIDENTIAL RECYCLING

Notwithstanding anything herein to the contrary, any resident of the Township may donate or sell any recyclable material to any other person, provided however, that the person receiving the recyclable materials does recycle it and does not under any circumstances collect the donated or sold recyclable material from the curbside. All recycling bins and newspaper bundles placed at the curbside are deemed to be containing recyclable materials intended for the Township or its contracted collector.

Section 14. NON-INTERFERENCE WITH EXISTING CONTRACTS

- (a) Nothing contained in this ordinance shall be construed to interfere with or in any way modify the provisions of any existing contract which is consistent with the laws of the Commonwealth of Pennsylvania and in force in the Township on the effective date of this ordinance.
- (b) No renewal of any existing contract upon the expiration of the original term thereof and no new contract for the collection, transportation, processing or purchase of solid waste or recyclables shall be entered into after the effective date of this ordinance, unless such renewal or such contract shall conform to the requirements of this ordinance.

Section 15. PENALTY FOR VIOLATION

Any person who fails to comply with any provision of the ordinance shall upon conviction be fined not less than Twenty-Five Dollars (\$25.00) or more than Six Hundred Dollars (\$600.00) and costs of prosecution, and in default of payment thereof, shall be imprisoned not more than thirty (30) days. Each continuing day of violation of this ordinance shall constitute a separate offense.

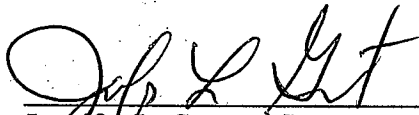
Section 16. SEVERABILITY

The provisions of this ordinance are severable. If any sentence, clause, or section of this ordinance is for any reason found to be unconstitutional, illegal, or invalid, such decision shall not affect the validity of any of the remaining provisions of this ordinance. It is hereby declared as a legal intent that this ordinance would have been adopted had such unconstitutional, illegal, or invalid provision not be included herein.

Section 17. EFFECTIVE DATE

This ordinance shall be effective five (5) days after adoption, which occurred on this the 15th day of October, 2007.

ATTEST:

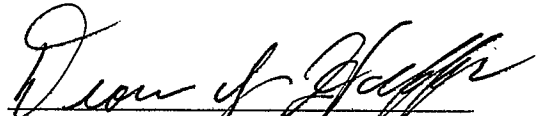


Jennifer L. Gunnet, Secretary

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